United Nations A/70/964

General Assembly

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29 June 2016

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Seventieth session
Agenda item 112 (a)
Elections to fill vacancies in principal organs: election of five non-permanent members of the Security Council

Letter dated 29 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Norway to the United Nations addressed to the President of the General Assembly

In my capacity as Chair of the group of Western European and other States for the month of June 2016, I have the honour to inform you that Italy and the Kingdom of the Netherlands, in view of the inconclusive results of the elections for the last remaining non-permanent seat on the Security Council for the Western European and other States for the term 2017-2018, have agreed to split this term.

To this effect, the Kingdom of the Netherlands has withdrawn its candidacy in favour of Italy. Italy is the endorsed and only candidate of the Western European and other States. Subject to election at a forthcoming plenary meeting of the General Assembly, Italy shall serve as a non-permanent member of the Security Council as from 1 January 2017. Italy shall subsequently relinquish its seat on the Council at the end of the day of 31 December 2017. In accordance with rule 140 of the rules of procedure of the Assembly, a by-election will need to be held to fill the vacancy for the remainder of the term 2017-2018. The Western European and other States will request that this by-election be held at the same time as the regular elections for five non-permanent members of the Council in June 2017.

For this by-election, the Kingdom of the Netherlands is the endorsed and only candidate of the Western European and other States. Subject to election by the General Assembly, the Kingdom of the Netherlands shall fulfil the remainder of the 2017-2018 term of a non-permanent member of the Security Council as from 1 January 2018.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 112 (a).

(*Signed*) May-Elin **Stener**
Chargé d'affaires a.i.

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United Nations A/70/965

General Assembly

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Seventieth session
Agenda item 112 (a)
Elections to fill vacancies in principal organs: election of five non-permanent members of the Security Council

Letter dated 29 June 2016 from the Permanent Representatives of Italy and the Netherlands to the United Nations addressed to the President of the General Assembly

We have the honour to inform you that the present letter serves as confirmation of the intention expressed by our respective Ministers for Foreign Affairs during the elections for five non-permanent members of the Security Council held on 28 June 2016.

It is the intention of our two countries, in view of the inconclusive results of the elections for the last remaining non-permanent seat on the Security Council for the Western European and other States for the term 2017-2018, to split this term. To this effect, the Kingdom of the Netherlands hereby withdraws its candidacy in favour of Italy. Italy is the endorsed and only candidate of the Western European and other States. Subject to election at a forthcoming plenary meeting of the General Assembly, Italy shall serve as a non-permanent member of the Council as from 1 January 2017. Italy shall subsequently relinquish its seat on the Council at the end of the day of 31 December 2017.

In accordance with rule 140 of the rules of procedure of the General Assembly, a by-election will need to be held to fill the vacancy for the remainder of the term 2017-2018. The Western European and other States will request that this by-election be held at the same time as the regular elections for five non-permanent members of the Security Council in June 2017. For this by-election, the Kingdom of the Netherlands is the endorsed and only candidate of the Western European and other States. Subject to election by the Assembly, the Kingdom of the Netherlands shall fulfil the remainder of the 2017-2018 term of a non-permanent member of the Council as from 1 January 2018.

We should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 112 (a).

(*Signed*) Sebastiano **Cardi**
Permanent Representative
Italy

(*Signed*) Karel J. G. **van Oosterom**
Permanent Representative
Netherlands

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United Nations A/70/966

General Assembly

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29 June 2016

Original: English

Seventieth session
Agenda item 128
International Residual Mechanism for Criminal Tribunals

Letter dated 3 June 2016 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to Security Council resolution 1966 (2010), adopted on 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals and, in particular, the reappointment of the judges of the Mechanism.

In accordance with the provisions of article 8 of the statute of the Mechanism, which is set out in annex 1 to resolution 1966 (2010), the Mechanism shall have a roster of 25 independent judges, not more than two of whom may be nationals of the same State. Further, article 10, paragraph 3 provides that the judges of the Mechanism shall be elected for a term of four years and shall be eligible for reappointment by the Secretary-General after consultation with the Presidents of the Security Council and of the General Assembly.

On 20 December 2011, the General Assembly elected 25 judges of the Mechanism for a term of four years, with effect from 1 July 2012. One of these judges resigned effective 17 November 2015. Pursuant to article 10, paragraph 2, I appointed his replacement after consultation with the Presidents of the Security Council and of the General Assembly. The term of office of all 25 judges of the Mechanism will expire on 30 June 2016.

I recall that, under paragraph 17 of resolution 1966 (2010), the Security Council decided that the Mechanism would operate for an initial period of four years from the first commencement date referred to in paragraph 1. The Council also decided to review the progress of the work of the Mechanism, including in carrying out the functions assigned to it, before the end of this initial period and every two years thereafter. The Council further decided that the Mechanism would continue to operate for subsequent periods of two years following each such review, unless the Security Council decided otherwise. I note that the Security Council has completed its review of the progress of the work of the Mechanism, as is reflected in resolution 2256 (2015) of 22 December 2015.

By its resolution 2269 (2016), adopted on 29 February 2016, the Security Council decided that, the provisions of article 10, paragraph 3 of the statute of the

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Mechanism notwithstanding, the judges of the Mechanism may be appointed or reappointed for a two-year term.

Therefore, I intend to reappoint the 25 judges of the Mechanism, who are listed in the annex enclosed herewith, for a term of two years, with effect from 1 July 2016 until 30 June 2018, which would be in line with the forthcoming period of operation of the Mechanism (see annex).

In accordance with the provisions of article 10, paragraph 3 of the statute of the Mechanism, I look forward to receiving your views on the proposed reappointment of the judges.

(*Signed*) **BAN Ki-moon**

Annex to the letter dated 3 June 2016 from the Secretary-General addressed to the President of the General Assembly

Roster of judges of the International Residual Mechanism for Criminal Tribunals

Mr. Carmel A. Agius (Malta)

Mr. Aydin Sefa Akay (Turkey)

Mr. Jean-Claude Antonetti (France)

Ms. Florence Arrey (Cameroon)

Ms. Solomy Balungi Bossa (Uganda)

Mr. Ivo Nelson de Caires Batista Rosa (Portugal)

Mr. José Ricardo de Prada Solaesa (Spain)

Mr. Ben Emmerson (United Kingdom of Great Britain and Northern Ireland)

Mr. Christoph Flügge (Germany)

Ms. Graciela Susana Gatti Santana (Uruguay)

Mr. Burton Hall (Bahamas)

Mr. Vagn Prüsse Joensen (Denmark)

Mr. Gberdao Gustave Kam (Burkina Faso)

Mr. Liu Daqun (China)

Mr. Joseph E. Chiondo Masanche (United Republic of Tanzania)

Mr. Theodor Meron (United States of America)

Mr. Bakone Justice Moloto (South Africa)

Mr. Lee G. Muthoga (Kenya)

Ms. Aminatta Lois Runeni N'gum (Gambia)

Ms. Prisca Matimba Nyambe (Zambia)

Mr. Alphons Orie (Netherlands)

Mr. Seymour Panton (Jamaica)

Mr. Seon Ki Park (Republic of Korea)

Mr. Mparany Mamy Richard Rajohnson (Madagascar)

Mr. William Hussein Sekule (United Republic of Tanzania)

United Nations A/70/967

General Assembly

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Seventieth session
Agenda items 15, 116 and 134

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Programme budget for the biennium 2016-2017

High-level plenary meeting on addressing large movements of refugees and migrants

Programme budget implications of draft resolution A/70/L.54

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

I. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 1 (a) and (c) and 11 (a) and (b) of draft resolution A/70/L.54, the General Assembly would decide that:

(a) The high-level meeting on addressing large movements of refugees and migrants shall consist of a plenary meeting and six interactive multi-stakeholder round tables, and the organizational arrangements will be as follows:

(i) The opening plenary meeting will take place in the General Assembly Hall from 8.30 a.m. to 9.30 a.m.;

(ii) Following the opening meeting, the plenary meeting will be held simultaneously in the Economic and Social Council Chamber and the Trusteeship Council Chamber from 9.30 a.m. to 7.30 p.m.;

(iii) The sequence envisaged for the round tables (although this could be subject to modification, in consultation with Member States) is that round tables 1, 2 and 3 will be held in parallel, each running from 10 a.m. to 1 p.m., and round tables 4, 5 and 6 will be held in parallel, each running from 3 p.m. to 6 p.m.;

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(iv) The closing plenary meeting will take place in the General Assembly Hall from 7.30 p.m. to 8 p.m.;

(b) The outcome document for the high-level meeting will be adopted during the opening plenary meeting;

(c) The process of intergovernmental negotiations on the outcome document will be in accordance with the rules of procedure and established practices of the General Assembly;

(d) The initial draft of the outcome document will be prepared by the co-facilitators on the basis of views provided by Member States.

II. Relationship of the requests to the biennial programme plan and priorities for the period 2016-2017 and to the proposed programme budget for the biennium 2016-2017

2. The requested activities referred to in the draft resolution relate to programme 1 of the biennial programme plan and priorities for the period 2016-2017 and section 2, General Assembly and Economic and Social Council affairs and conference management, of the programme budget for the biennium 2016-2017.

III. Activities by which the proposed requests would be implemented

3. Pursuant to operative paragraphs 1 and 11 of draft resolution A/70/L.54, the high-level plenary meeting on addressing large movements of refugees and migrants would be held on 19 September 2016. The high-level meeting would consist of a plenary meeting and six interactive multi-stakeholder round tables. The plenary meeting would consist of an opening plenary meeting to be held from 8.30 a.m. to 9.30 a.m. followed by two parallel plenary meetings to be held from 9.30 a.m. to 7.30 p.m. and a closing plenary meeting to be held from 7.30 p.m. to 8.00 p.m. The six round tables would be held as follows: round tables 1-3 would be held in parallel from 10 a.m. to 1 p.m., and round tables 4-6 would be held in parallel from 3 p.m. to 6 p.m.

4. Accordingly, the opening plenary meeting, the parallel plenary meetings and the closing plenary meeting would require eight meetings with interpretation in all six languages and verbatim records, of which two meetings would be covered from existing entitlements of the General Assembly. In addition, the six interactive multi-stakeholder round tables would require six meetings with interpretation in all six languages but would not have verbatim records. Accordingly, a total of 14 meetings (7 in the morning and 7 in the afternoon) would take place on 19 September 2016. Thus, a total of 12 meetings with interpretation in all six languages and a total of 6 meetings with verbatim records in all six languages would constitute an addition to the meetings workload for the Department for General Assembly and Conference Management in 2016. This would entail additional requirements for meetings services in the amount of $72,000 and for verbatim services in the amount of $186,000 in 2016.

5. Furthermore, the request for documentation contained in operative paragraphs 1 (c) and 11 (b) of the draft resolution would constitute an addition to the documentation workload for the Department for General Assembly and Conference Management of one document of 10,700 words to be issued in all six languages in 2016. This would entail additional requirements for documentation services in the amount of $47,000 in 2016.

IV. Financial implications of the proposals

6. Additional conference-servicing requirements of $305,000 for the biennium 2016-2017 under section 2, General Assembly and Economic and Social Council affairs and conference management, would be required under the programme budget for the biennium 2016-2017 to implement the additional workload. The details of these additional requirements are provided in the table below.

(United States dollars)

	Amount
Interpretation	72 000
Verbatim services	186 000
Pre-session documentation	47 000
Total	**305 000**

V. Potential for absorption during the biennium 2016-2017

7. No provisions have been made in the programme budget for the biennium 2016-2017 for the implementation of the activities requested under operative paragraphs 1 and 11 of the draft resolution. It is not possible at present to identify activities within the section of the proposed programme budget for the biennium 2016-2017 that could be terminated, deferred, curtailed or modified during the biennium. It is therefore necessary that additional non-recurrent resources in the amount of $305,000 be provided through an additional appropriation for the biennium 2016-2017.

VI. Contingency fund

8. Under the procedures established by the General Assembly in its resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget.

VII. Conclusion and action required of the General Assembly

9. Should the General Assembly adopt draft resolution A/70/L.54, additional resources in the amount of $305,000 would arise under section 2, General Assembly and Economic and Social Council affairs and conference management, of the programme budget for the biennium 2016-2017. The amount of $305,000 would represent a charge against the contingency fund and, as such, would require an additional appropriation for the biennium 2016-2017 to be approved by the General Assembly.

10. The attention of the General Assembly is drawn to the present statement of programme budget implications. If the Assembly were to adopt the draft resolution at its seventieth session, the present statement of programme budget implications would be reissued as a revised estimate for the seventy-first session. The Fifth Committee will examine, during the main part of the seventy-first session of the Assembly, both the revised estimate arising from the draft resolution and the report of the Advisory Committee on Administrative and Budgetary Questions thereon.

United Nations A/70/968

General Assembly

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Seventieth session
Item 72 (a)
Promotion and protection of human rights: implementation of human rights instruments

Letter dated 23 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement delivered by the representative of the Russian Federation during the nineteenth meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women under the agenda item entitled "Other matters" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the seventieth session of the General Assembly under agenda item 72 (a).

(*Signed*) Petr **Ilichev**
Chargé d'affaires a.i.

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Annex to the letter dated 23 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement delivered by the representative of the Russian Federation on 21 June 2016 during the nineteenth meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women under the agenda item entitled "Other matters"

In accordance with article 21, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, I would like to make a statement about the concluding observations of the Committee on the Elimination of Discrimination against Women, following its consideration, on 27 October 2015, of the eighth periodic report of the Russian Federation on the implementation of the Convention (CEDAW/C/RUS/CO/8).

First of all, a number of the Committee's concluding observations are biased in nature and look like political pressure. This was most apparent in the section on "Women and peace and security" (see paragraphs 29 and 30).

Secondly, we cannot agree with the conclusions of the Committee that are based on speculation and unbalanced assessments and which inherently seek to promote contentious concepts that do not enjoy support from the majority of States regarding the rights of so-called sexual minorities and the need for comprehensive education on sexual rights (see paragraphs 31, 32 and 42).

Thirdly, in accordance with established practice, the Committee's concluding observations should not include passages that were not discussed during consideration of the report. This concerns, in particular, the observations contained in paragraph 49 regarding acceptance of the amendment to article 20 (1) of the Convention and in paragraph 51 on the realization of gender equality throughout the process of implementation of the 2030 Agenda for Sustainable Development. It is also regrettable that the extensively detailed statistics provided by the Russian delegation, not only in the report itself and in the additional information but also during the presentation of its report, effectively went unnoticed by the Committee's experts. In that connection, we consider the recommendations in the section on "Data collection" to be inaccurate (see paragraphs 47 and 48).

Fourthly, the multiple references to various general comments by the Committee and recommendations for their implementation, as contained in paragraphs 8 (b), 10, 12, 18, 22, 28 (a), 36, 46 (b), 48 and 52, are inappropriate. In our view, general comments adopted by human rights treaty bodies are solely the opinion of experts and may not impose on States any obligations additional to those undertaken by them when ratifying or acceding to an international treaty, unless otherwise declared by States on a voluntary basis.

In view of the above, we officially declare that when preparing periodic reports on implementation of the Convention on the Elimination of All Forms of Discrimination against Women we shall continue to be guided solely by the articles of that international treaty.

Fifthly, the observations contained in paragraph 53, in which the Committee's experts encourage accession to the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, also clearly go beyond the Committee's mandate. It is worth pointing out that, pursuant to article 17 of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee was established for the purpose of considering the progress made in the implementation of that Convention.

Our general impression was that many of the conclusions and recommendations were "carbon copies" made by the Committee's experts and did not relate to the actual situation in our country.

From our own experience, we have seen that the treaty bodies, in this case the Committee, are moving away from fulfilling their primary task of providing assistance to States in implementing their obligations under the Convention, particularly in building and enhancing national capacities to promote and protect human rights.

The Russian Federation is fully aware of its international legal obligations to advance the status of women and protect their rights. We note with regret that the openness demonstrated by the Russian delegation and the quantity of information provided had no impact on the unwarranted critical tone or peremptory format of the concluding observations.

In view of this, the Russian Federation wishes to declare that it does not consider itself bound by an obligation to comply with the recommendations of the Committee contained in the aforementioned concluding observations.

Experience of engaging with the Committee has also revealed a number of systemic issues. It will be recalled that, prior to the issuance of concluding observations based on the dialogue, a draft report is sent to the reporting State for the purpose of fact checking. Our practice of sending technical corrections to the Committee shows that our proposals are not being taken into account.

Another serious flaw in the Committee's work is that fact that meetings between its experts and national human rights institutions and non-governmental organizations from reporting countries do not provide interpretation into the requisite official languages of the United Nations. In the case of Russia, for example, the opportunity for representatives of Russian civil society to hold a dialogue with the Committee's experts immediately before the consideration of the report was severely limited because of the language barrier, namely, a lack of interpretation into Russian. That is clear discrimination, since only major international non-governmental organizations can participate in a dialogue with the Committee members under such circumstances. This situation seems to run counter to the principle of multilingualism in the activities of the United Nations, as approved, inter alia, in General Assembly resolution 68/268, entitled "Strengthening and enhancing the effective functioning of the human rights treaty body system".

We would also like to take this opportunity to express our disapproval of the "methodology of the follow-up procedure" developed by the Committee in 2013 (CEDAW/C/54/3). In addition to the Committee assuming the right to assess implementation by States of its recommendations, the follow-up measures involve United Nations country presences in the monitoring and assessment, as well as

additional information from them not provided for under the Convention. Notably, such information from United Nations field missions should not be discussed with States and is essentially confidential. It is hard to understand how this is compatible with transparency or trust. This methodology is a clear example of the experts misinterpreting their role and functions. The Committee is not a court. This treaty body's primary task is not to issue "verdicts" to offenders but, through an open, equitable and mutually respective dialogue, to assist States in the implementation of their obligations under the Convention.

In conclusion, we would like to make a number of additional general recommendations.

Adjustments are required to procedures and arrangements for the consideration of national reports. The misuse of general theoretical questions by experts is an ongoing concern. The absence of limits on the length of statements by Committee members means that, in practice, States do not have the time needed for comprehensive and expert replies.

We believe that it is advisable to maintain the current procedure, whereby States prepare periodic reports on the implementation of their international obligations, before analysing the effectiveness of an alternative reporting procedure by providing answers to the questionnaire. The Committee should prepare more concise concluding observations and recommendations following its consideration of the periodic reports, in order for subsequent reports to be more focused and specific.

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Seventieth session
Item 72 (a)
Promotion and protection of human rights: implementation of human rights instruments

Letter dated 24 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement delivered by the representative of the Russian Federation during the thirty-fifth meeting of States parties to the International Covenant on Civil and Political Rights under the agenda item entitled "Other matters" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the seventieth session of the General Assembly under agenda item 72 (a).

(*Signed*) Petr **Illichev**
Chargé d'affaires a.i

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Annex to the letter dated 24 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement delivered by the representative of the Russian Federation on 23 June 2016 during the thirty-fifth meeting of States parties to the International Covenant on Civil and Political Rights under the agenda item entitled "Other matters"

We would like to take this opportunity to comment on some aspects of the work of the Human Rights Committee. From our own experience, we have seen that the treaty bodies, in this case the Human Rights Committee, are moving away from fulfilling their primary task of providing assistance to States in implementing their obligations under the Covenant, particularly in building and enhancing national capacities to promote and protect human rights.

A number of systemic issues were revealed by our engagement with the Committee in March 2015, during consideration of the seventh periodic report of the Russian Federation on the implementation of the International Covenant on Civil and Political Rights.

Unfortunately, unlike the other treaty bodies, the Committee has a very questionable practice whereby the names of the rapporteur and co-rapporteur for the country under consideration are classified information. How is this approach compatible with a constructive and open dialogue between Committee experts and the reporting State? Since self-nomination is the main instrument for the selection of rapporteurs, situations arise where representatives of one regional group dominate. This is strange, to say the least.

The Committee's working methods raise many questions. For instance, until a periodic report is considered at a session (i.e. for two to four months), the Committee compiles a list of additional questions on the document, after which the Secretariat takes at least six weeks to translate them. As a result, the reporting State does not have enough time to prepare substantive replies, which clearly does not meet the objective of a constructive dialogue between the Committee and the State concerned.

We would once again like to draw attention to paragraph 16 of General Assembly resolution 68/268 on strengthening the functioning of the treaty body system, regarding the limitation of documentation during the consideration of periodic reports. In contrast to the strict controls placed on States to prevent them from exceeding the established limits on the amount of the information submitted, the number of questions posed by experts and their level of detail remain essentially unlimited. Furthermore, time is disproportionately allocated during presentation of the report itself. In total, experts are given around two hours to pose questions, while delegations have on average only two and a half hours to respond. However, as evidenced by our most recent experience with the Committee in March 2015, experts were highly interested in some developments dating back to the year 2000 that had already been discussed twice in the Committee during the consideration of previous reports.

Another questionable practice is the Committee's engagement with representatives of civil society before the presentation of national reports. It is not clear why closed meetings are held between the Committee's experts and non-governmental organizations, when other committees hold open meetings.

Our general impression was that many of the conclusions and recommendations were "carbon copies" made by Committee experts and did not relate to the actual situation in our country. For example, following consideration of Russia's seventh periodic report, the concluding observations included questions and concerns from the Committee that had not been addressed directly during the dialogue with the delegation. The Human Rights Committee thereby itself undermines the idea that the concluding observations are the result of its dialogue with the State.

We would like to make some specific comments on the follow-up procedure developed by the Committee. There is no justification for the increase in the work of the Committee, including the additional time spent on intersessional correspondence with the State regarding the implementation of concluding observations, to say nothing of the additional burden placed on the State by this practice, which is not required by the Covenant.

In conclusion, we would like to recommend that the Committee use the meeting time allocated to it more efficiently. Unfortunately, the treaty bodies often overlap in their work. During the presentation of Russia's report in March 2015, a significant number of recommendations were addressed to us that are the responsibility of other committees, in particular the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee against Torture.

For our part, we are ready to continue to discuss the Committee's working methods, both with the treaty body experts themselves and with other States. We are convinced that such dialogue will contribute towards greater trust between States parties and treaty bodies. It will also help to advance the work of these monitoring mechanisms in order to improve the fulfilment of obligations under the main international human rights treaties.

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Item 72 (a)
Promotion and protection of human rights: implementation of human rights instruments

Letter dated 27 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the statement made by the representative of the Russian Federation at the ninth session of the Conference of the States Parties to the Convention on the Rights of Persons with Disabilities (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the seventieth session of the General Assembly under agenda item 72 (a).

(*Signed*) P. **Ilichev**
Chargé d'affaires ad interim

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Annex to the letter dated 27 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement by the representative of the Russian Federation on 16 June 2016 at the ninth session of the Conference of the States Parties to the Convention on the Rights of Persons with Disabilities under the agenda item on interactive dialogue on implementation of the Convention between States parties and the United Nations system: celebrating the tenth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities

We would like on this occasion to comment on recent developments relating to the Committee on the Rights of Persons with Disabilities, namely, the guidelines on the establishment of independent monitoring frameworks and the guidelines on State party periodic reporting modalities.

On the one hand, we note with satisfaction that the treaty body has agreed to share its working papers with stakeholders, in particular States. On the other hand, it is not entirely clear what status this so-called "open consultation process" has, if the Committee already adopted the draft guidelines during its fifteenth session in March-April 2016.

As for the documents themselves, a number of questions are raised by the legal basis of the initiative, the process of its formulation and its substantive content.

We cannot agree with the arbitrary manner in which the Committee on the Rights of Persons with Disabilities has interpreted provisions of the Convention, supposedly giving it the right to impose on States new obligations which are not stipulated in the treaty.

Thus, the draft guidelines on the establishment of independent monitoring frameworks and their participation in the Committee's work are based on a highly contentious interpretation of article 33 of the Convention ("National implementation and monitoring"). The Committee maintains that States parties should establish separate independent frameworks to monitor the Convention. At the same time, however, the Committee's experts have stated the view that national human rights institutions created in conformity with the Paris Principles are not well suited to this role: they point out that they are merely structural elements.

We do not subscribe to the Committee's view that these frameworks should participate on an equal footing with States in the consideration of periodic reports and should directly approach the Committee for advice — in other words, obviating the State concerned. In addition, it is proposed that these frameworks should be entrusted, together with the Committee, with investigating and prosecuting the harassment of individuals who cooperate with international human rights monitoring bodies.

We submit that such proposals not only undermine the role of States as the bodies responsible for ensuring implementation of the Convention, run counter to its article 32 on international cooperation and nullify the role of dialogue between States and the Committee, but are also ultimately intended to review the provisions of the Convention.

In this regard, we would like to recall that the Committee does not have the right to make any changes to the text of this international treaty. Under article 47 of the Convention, only States parties may propose amendments, which must be considered at a conference of States parties and approved by a two-thirds majority of those present and voting. At the same time, an approved amendment shall only be binding on those States parties which have deposited an instrument of acceptance of such amendment.

In addition, this novel idea by the Committee on the establishment of independent monitoring frameworks contradicts its own rules of procedure (CRPD/C/1) and working methods (CRPD/C/5/4).

While the second initiative by the Committee referred to earlier — the draft guidelines on the submission of national periodic reports to the Committee — is supposedly an updated version of the 2009 document, its substance is also highly contentious.

First, the simplified reporting procedure is voluntary; by no means all States parties have adopted the new format for their interaction with the Committee. Detailed information about the manner in which States parties use this procedure and the numbers that have already done so would be conducive to a better understanding of the effectiveness of the arrangements for the submission of periodic reports.

Second, the system of indicators used to assess implementation of the Convention which is proposed in the current version of the principles raises a number of questions. How were these indicators developed? If no information is available on some indicators, how will it be possible to assess compliance by States parties with specific articles of the Convention? We believe that implementation of the Convention should be assessed in qualitative rather than quantitative terms — in other words, by analysing the effect of specific measures taken by the State party.

In addition, elements of the 2030 Agenda for Sustainable Development should not be incorporated in the guidelines (it should be recalled that States are required to report on the implementation of the Convention).

In conclusion, we would like to recommend that the Committee make more rational use of the time allotted to it for meetings, focusing on eliminating the backlog of States parties' periodic reports. We understand that, in 2016, the Committee aims to consider 2.15 reports per week. That would certainly be a good rate. At the same time, however, by its resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, the General Assembly recommends the review of at least 2.5 reports per week.

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General Assembly

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Seventieth session
Agenda item 112 (a)
Elections to fill vacancies in principal organs: election of five non-permanent members of the Security Council

Letter dated 30 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the President of the General Assembly

We have taken note of the intention of Italy and the Netherlands to divide between them the term on the Security Council because of the stalemate that arose during the election of non-permanent members on 28 June 2016. We take the position that this is an exceptional situation that will not — at this stage of the Council's work — set a precedent or lead to an arrangement for the "splitting" of the two-year terms, which would have a negative impact on the Council's efficiency and ability to perform its work.

That is what impelled us to write this letter; it should not be regarded as being aimed at the countries whose candidatures are currently being considered by the General Assembly for the last non-permanent seat on the Security Council.

We are of the understanding that the aforementioned arrangement is purely bilateral and does not affect the powers of Member States when voting for candidates. We expect that some may argue that, from a formal standpoint, such a step would not contravene the rules of procedure of the General Assembly and the practice of previous years.

We should like to note that the last time a decision was taken on splitting the term on the Security Council was back in the 1960s, more than 50 years ago. Following the enlargement of the Security Council in 1965 and the introduction of regional representation, the term was never split. Whenever any disputes arose, usually one of the candidates withdrew or a third, "compromise" country was nominated.

There is a reason for this: over the last 50 years the volume of work of the Security Council has greatly increased. The Council holds over 400 meetings a year and adopts scores of resolutions and other decisions. Furthermore, non-permanent members of the Council chair its subsidiary bodies, including the sanctions committees. This requires considerable preparation and a certain amount of time for familiarization with the Council's work.

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We therefore believe that splitting the term of office would not be conducive to the sustainable and continued functioning of the Security Council and could compromise its ability to react to crises in a prompt and effective manner. We are gravely disappointed by the inability of Western European and other States to designate a candidate by consensus, which has led to the current stalemate.

We believe that the Council's effectiveness in terms of maintaining international peace and security should remain an absolute priority, not the prestige or domestic political agenda of any particular country. We call on the candidates for the Council to act responsibly and in the interests of the Organization.

We should be grateful if the present letter could be circulated as a document of the seventieth session of the General Assembly under agenda item 112 (a).

(*Signed*) P. **Illichev**
Chargé d'affaires a.i.

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International Residual Mechanism for Criminal Tribunals

Letter dated 17 June 2016 from the President of the General Assembly addressed to the Secretary-General

I have the honour to refer to your letter dated 3 June 2016 concerning the reappointment of the 25 judges of the International Residual Mechanism for Criminal Tribunals (A/70/966).

In accordance with article 10, paragraph 3, of the statute of the Mechanism, I am pleased to inform you that I concur with the proposed reappointment of the 25 judges listed in the annex to your letter, for a term of two years, with effect from 1 July 2016 until 30 June 2018.

(*Signed*) Mogens **Lykketoft**

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